

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

Regulatory Branch  
Application Section II

APR 08 2002

SUBJECT: CENAP-OP-R-200200387-39 (NW23)  
NJDEP #: 0301-93-00004.3 through .6  
Project Name: NJ DEPT OF TRANSPORTATION  
Applicant: New Jersey Department of Transportation  
Waterway: Bass River  
Location: Along State Route 9, in Bass River Township, Burlington  
County, New Jersey.

Ms. Tina M. Shutz  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton, New Jersey 08625-0600

Dear Ms. Shutz:

This is in regard to your proposal to replace the existing bridge along State Route 9. The applicability of this nationwide permit for the proposed activity was previously verified by this office on October 13, 2001 (File Number CENAP-OP-R-200100732-39 (NP 23)).

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and/or the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Based upon our review of the information you have provided, it has been determined that the proposed work is approved by the existing Department of the Army nationwide permit (NWP) described below, provided the work is conducted in compliance with the general and special conditions specified in this letter.

**Nationwide Permit 23. Approved Categorical Exclusions:** Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Prior to approval for purposes of

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this NWP of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this NWP. (Sections 10 and 404)

This authorization does not affect your responsibility to obtain any other Federal, State or local approval(s) required by law for the proposed work before beginning work.

The enclosed table (Enclosure 1) identifies those NWPs which require a preconstruction notification (PCN) to the Corps of Engineers, those which have been regionally conditioned by the Division Engineer, and those which have been denied 401 Water Quality Certification (WQC) and/or Coastal Zone Management (CZM) consistency by the State. It is noted that CZM consistency from the State is only required for those activities in or affecting a State's coastal zone. Additionally, some of the NWPs do not involve a discharge of dredged or fill material, and as such, do not require a 401 WQC. For those NWPs not requiring a 401 WQC, the appropriate rows and columns have been identified with the term "NA". If the State has denied the required WQC and/or not concurred with the Corps' CZM consistency determination, the NWP authorization is considered denied without prejudice until an individual project specific WQC and/or CZM approval is obtained. This approval must be obtained in order for the activity to be authorized under the NWP and a copy provided to this office before work begins. Any project specific conditions required by the State for the WQC and/or CZM approval will automatically become part of the NWP authorization.

You should carefully note that this NWP authorization is based upon your agreement to comply with the terms and conditions of this NWP (Enclosure 2), including any and all attached project specific special conditions listed below. Initiation of any authorized work shall constitute your agreement to comply with all of the NWP's conditions. You should also note that the authorized work may be subject to periodic inspections by a representative of this office.

#### PROJECT SPECIFIC SPECIAL CONDITIONS:

1. All work performed in association with the above noted project shall be conducted in accordance with the project plans entitled "...Plans of Route 9 (1953) Section 17B Contract NO. 568961783...", prepared by the New Jersey Department of Transportation, undated, sheets 1 through 25 of 25. The project plans provide for removal of the existing crossing of the waterway, a single leaf bascule span, and replacing this structure with a fixed vertical clearance structure. The stated purpose of the project is to provide for the replacement of an obsolete bridge at the project site.
2. Construction activities shall not result in the disturbance or alteration of greater than 0.5 acre of waters of the United States.

3. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office. ✓
4. This office shall be notified at least 10 days prior to the commencement of authorized work by completing and signing the enclosed Notification/ Certification of Work Commencement Form (Enclosure 3). This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form (Enclosure 4). All notifications required by this condition shall be in writing and shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.
5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
6. The permittee shall perform all compensation work specified on the wetlands compensation plan as outlined in the document entitled "Compliance Statement For Rules on Coastal Zone Management", prepared by the New Jersey Department of Transportation, dated August 2001. The plan outlines the creation of 0.6 acres of wetlands, and enhancement activities around the new structure. This work shall be performed to the satisfaction of the District Engineer in accordance with the approved monitoring plan specified below.
7. Efforts shall be made to keep construction debris from entering the waterway or wetland. Debris in the waterway or wetland shall be removed immediately. ✓
8. The disposal of trees, brush and other debris in any stream corridor, wetland or surface water is prohibited. ✓
9. No inwater work shall be performed between April 1 through May 31 of any year to ensure that impacts to fishery resources are minimal. Also, a minimum of 50 percent of the waterway shall be passable for migrating fish species between September 1 through November 1 of any year work is being performed at the project site. ✓

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10. This permit does not authorize any dredging at the project site.
11. The fill material shall be free of oil and grease, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt.
12. No asphalt or other oil-based material shall be used as fill.
13. All temporary fills will be removed in their entirety within 60 days of the completion of work at the project site.
14. The authorized excavation, filling and associated activities shall be performed in accordance with the State and/or County standards for Soil Erosion Sediment Control.
15. The permittee shall follow all stipulations outlined in the Memorandum of Agreement that was executed between the New Jersey Department of Transportation, the New Jersey State Historic Preservation Office, the Advisory Council on Historic Preservation (ACHP), and the Federal Highway Administration (FHWA), which was approved by the ACHP on May 26, 1998. The FHWA is the lead agency with regard to compliance with this document.

You are advised that this verification of NWP authorization is valid for two (2) years from the date of this letter, unless the NWP authorization is modified, suspended, or revoked. In the event that the NWP authorization is reissued and/or modified during that time period, this two-year expiration date will remain valid, provided the activity complies with any subsequent reissuance and/or modification of the NWP authorization.

The existing NWPs will expire on March 19, 2007. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon a NWP, will remain authorized provided the activity is completed within 12 months of the date of the NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization. As such, any work to be completed beyond this date in reliance upon this existing NWP must be completed by March 18, 2008. Activities completed under the authorization of a NWP which was in effect at the time the activity was completed, continue to be authorized by that NWP. Accordingly, it is incumbent upon you to remain informed of any changes to the NWP authorization(s).

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Also enclosed is a pre-addressed postal card (Enclosure 5) soliciting your comments on the processing of your application. Any comments, positive or otherwise, on the procedures, timeliness, fairness, etc., may be made on this card. If you should have any questions regarding this matter, please contact me at (215) 656-6734 or write to the above address.

Sincerely,



Frank J. Cianfrani  
Chief, Regulatory Branch

Enclosures